

Appl. No. 09/034,336
Amdt. dated August 4, 2003
Reply to Office Action of March 24, 2003

REMARKS/ARGUMENTS

Claims 37 and 38 currently appear in this application. The Office Action of March 24, 2003, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Rejections under 35 U.S.C. 112

Claims 5, 10 and 31-36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As the present amendment cancels claims 5, 10 and 31-36, it is respectfully submitted that this rejection is now moot.

Art Rejections

Claims 5, 10 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruta et al. as supported by Cardona.

Appl. No. 09/034,336
Amdt. dated August 4, 2003
Reply to Office Action of March 24, 2003

This rejection is now moot. Claims 5, 10 and 31-36 have been cancelled by the present amendment and new claims 37 and 38 submitted herewith.

Claim 37 is directed to a method for inhibiting the decrease of active-oxygen-eliminating activity of α -glucosyl hesperidin and catechin by incorporating trehalose in an amount of at least 20 w/w% trehalose on a dry solid basis into a composition containing alpha-glucosyl hesperidin or catechin in an aqueous system. Support for the method will be found in the specification as filed at pages 21-23, i.e., Experiment 4. As shown in Table 4 on page 23, trehalose is very effective in inhibiting the decrease of active-oxygen-eliminating activity of α -glucosyl hesperidin and catechin. The residual activities of α -glucosyl hesperidin and catechin were remarkably increased from 26% to 67% and 0% to 82%, respectively, with 45% of trehalose.

There is nothing at all in Maruta et al. about stabilizing α -glucosyl hesperidin or catechin. Furthermore, as shown in Table 4 of the instant specification, the effect of trehalose on inhibiting the decrease of active-oxygen-eliminating activity is more remarkable when applied to α -glucosyl hesperidin or catechin than to superoxide dismutase, α -glucosyl rutin and gallic acid. This comparison is clear when the

Appl. No. 09/034,336
Amdt. dated August 4, 2003
Reply to Office Action of March 24, 2003

residual activity of these substances with and without trehalose is compared.

Claims 5, 10 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruta et al. as supported by Cardona et al. in view of Mandai.

As the present amendment cancels claims 5, 10 and 31-36, it is respectfully submitted that this rejection is now moot. As noted above, there is nothing in Maruta et al. that teaches or suggests stabilizing α -glucosyl hesperidin and catechin, and neither Cardona nor Mandai adds anything to the Maruta et al. disclosure with respect to α -glucosyl hesperidin or catechin.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Anne M. Kornbau
Registration No. 25,884

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
AMK:nmp

G:\BN\S\SUMA\AGA6\Pto\aug 4 03 amend.doc